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RICHARD A. MARSHACK
8

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re
12 NORTHERN HOLDING, LLC,
13 Debtor.
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17
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Case No. 8:20-bk-13014-MW

Chapter 7

NOTICE OF APPLICATION BY
CHAPTER 7 TRUSTEE TO EMPLOY
BICHER & ASSOCIATES AS THE
ESTATE’S FIELD AGENT

[NO HEARING REQUIRED]

19 TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE, THE
20 OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

21 PLEASE TAKE NOTICE that RICHARD A. MARSHACK, in his capacity as Chapter 7
22 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of Northern Holding, LLC (“Debtor”), has
23 filed an application (the “Application”) for entry of an order authorizing the employment of Bicher
24 & Associates (“Bicher” or the “Firm”) as the Trustee’s and the Estate’s field agent in this case
25 pursuant to 11 U.S.C. §§ 327 & 330.
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Trustee requires the assistance of the Firm to assist Trustee with, among other tasks, physically cataloguing, inventorying, and/or monitoring assets on the Properties, including the investigation of avoidable transfers. The Firm will assist the Trustee with the following services:

- Perform an immediate physical inspection and inventory of all personal property assets and all items at the Properties (which has already been completed);
- Determine sources of recovery for estate including analyzing accounts receivable balances, avoidable transfers, insider transactions, preference actions and other potential claims by analyzing Debtor's books and records and source information;
- Perform solvency analysis to determine when the Debtor became insolvent;
- Provide litigation support as requested;
- Support the Trustee and Trustee's professionals' efforts to maximize recovery for creditors through financial and other analysis; and
- Any other services mutually agreed upon by the Trustee and Bicher.

The Firm will render services to Trustee at the Firm's regular hourly rates, which may be adjusted from time to time. Ms. Ensley's current hourly billing rate is \$95 for field agent services and her rate for professional and/or forensic rates is \$230. The Firm will be compensated from assets of the Estate, if any, and will not be compensated absent the Estate's receipt or recovery of such assets. The Firm has received no retainer for the services to be performed in this case, and has agreed that no retainer will be paid.

Subject to 11 U.S.C. § 327(a), the Trustee requests that the Court approve a procedure where as the Estate receives available unencumbered cash and/or via consent of Farm Credit West, the Trustee is authorized to pay up to 80% of the invoiced field agent services and 100% of invoiced expenses, to the Firm on a monthly basis, with final approval of such compensation and reimbursement of costs to be determined upon noticed applications and approval by the Court pursuant to 11 U.S.C. § 330 and 331.

The Firm understands that its compensation in this case is subject to approval by the Bankruptcy Court. In compliance with 11 U.S.C. §§ 330 and 331, the Firm intends to file interim and final applications for allowance of fees and reimbursement of costs as and when appropriate.

1 The Firm has advised Trustee that the Firm has not shared or agreed to share any
2 compensation to be received by it in this case with any other person, except as among partners of the
3 Firm.

4 For the reasons set forth in the Application, the Debtor requests that the Court enter an Order
5 granting this Application on the requested terms.

6 The complete scope and terms of the employment are detailed in the Application a copy of
7 which can be obtained by contacting D. Edward Hays or David A. Wood whose contact information
8 is listed in the top left-hand corner of this Notice. The Application is based on 11 U.S.C. § 327 and
9 the Firm intends to seek compensation pursuant to 11 U.S.C. §§ 330 and 331.

10 **PLEASE TAKE FURTHER NOTICE** that any response and request for hearing as to the
11 proposed employment must be in the form as required Rule 2014-1(b), 9013-1(f) and (o) of the
12 Local Bankruptcy Rules (“LBR”) and filed with the Clerk of the above-entitled Court no later than
13 fourteen days (14) from the date of service of this Notice, plus an additional 3 days unless this
14 Notice was served by personal delivery or posting as described in F.R.Civ.P. 5(b)(2)(A)-(B). A copy
15 of any response must be served on D. Edward Hays and David A. Wood at the address indicated
16 above and must also be served on the Office of the United States Trustee, 411 W. 4th Street, Suite
17 7160, Santa Ana, CA 92701. Failure to timely respond may be deemed as acceptance of the
18 proposed employment. See LBR 9013-1(h).

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20
21 DATED: August 6, 2021

MARSHACK HAYS LLP

/s/ Tinho Mang

By: _____

D. EDWARD HAYS

DAVID A. WOOD

TINHO MANG

Attorneys for Chapter 7 Trustee

RICHARD A. MARSHACK

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled: **NOTICE OF APPLICATION BY CHAPTER 7 TRUSTEE TO EMPLOY BICHER & ASSOCIATES AS THE ESTATE'S FIELD AGENT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **August 6, 2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On **August 6, 2021**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR

NORTHERN HOLDING, LLC
ATTN: OFFICER, A MANAGING OR GENERAL AGENT,
OR TO ANY OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE SERVICE
13217 JAMBOREE RD #429
TUSTIN, CA 92782

☒ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **August 6, 2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

PURSUANT TO LBR 5005-2(d) AND COURT MANUAL APPENDIX F SECTION 2.2, NON-HEARING MOTIONS WHEN THE RESPONSE DEADLINE HAS NOT PASSED WILL NOT BE SERVED UPON THE JUDGE.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 6, 2021
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

- **ATTORNEY FOR U.S. TRUSTEE (SA):** Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Michael J Gomez mgomez@frandzel.com, dmoore@frandzel.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE RICHARD A MARSHACK (TR):** Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com
- **TRUSTEE RICHARD A MARSHACK (TR):** Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com; ecf.alert+Marshack@titlexi.com
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- **UNITED STATES TRUSTEE (SA):** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com
- **ATTORNEY FOR CREDITOR FARM CREDIT WEST, FLCA:** Gerrick Warrington gwarrington@frandzel.com, sking@frandzel.com
- **INTERESTED PARTY COURTESY NEF:** David Wood dwood@marshackhays.com, dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com

2. SERVED BY UNITED STATES MAIL: CONTINUED:

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SECURED CREDITOR

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AS AGENT
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ATTORNEY GENERAL
UNITED STATES DEPARTMENT OF
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